IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21932 of 2004

Between:

Village Development Society, Kodurupadu, Kodurupadu Village & Post, Nellore Rural Mandal,
Nellore District rep. by its President K.Solman.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore rural Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Certiorari call for the records from the 3rd respondent in issuance of Sec. 7 notice under A.P. Land Encroachment Act 1905 to the members of the petitioner society for the lands in S.No. 445/A1 445/A5 and 445/SA6 for total extent Ac. 19.71 cents of Kodurupadu Village, Nellore Rural Mandal, Nellore District, and quash the same as illegal, arbitrary and violative of Art. 14, 19 (1) (e) and 21 of the Constitution of India and consequently direct the respondents not to dispossess the members of petitioner society from the lands in S.No. 445/A1, 445/A5 and 445/SA6 for total extent Ac. 19.71 Cents, of Kodurupadu village, Nellore Rural Mandal, Nellore District and to pass necessary order as this Hon'ble Court may deem fit.

Counsel for the Petitioner: MR.T.C.KRISHNAN

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.21932 of 2004

ORDER:

The case of the petitioner-society is that the members of the petitioner-society are landless poor persons and they have occupied the land belonging to Kodurupadu Gram Panchayat in Sy.Nos.445/A1, 445/A5 and 445/SA6 admeasuring Ac.19.71 cents and they have been living there along with their family members by erecting huts. Subsequently, the members of the petitioner-society made a representation to the 3rd respondent seeking to assign the said land in their favour. It is further stated that in spite of the fact that the said representation is pending consideration, the 3rd respondent issued a notice dated 8.11.2004 under Section 7 of the A.P. Land Encroachment Act calling upon the members of the petitioner-society to submit their explanation on or before 20.11.2004 as to why they should not be evicted from the land in question, which is a Government land. Pursuant to the said notice, the members of the petitioner-society submitted their individual explanations. The grievance of the petitioner-society is that without considering the said explanations, the 3rd respondent is trying to evict the members of the petitioner-society from the land in question.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents. Both Counsel agreed for disposal of the writ petition at the admission stage.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to consider the individual explanations submitted by the petitioners to the notice under Section 7 of the A.P. Land Encroachment Act and pass appropriate orders thereon before evicting the members of the petitioner-society from the land in question. Till such time, status quo existing as on today shall be maintained.

The writ petition is accordingly disposed of. No costs.

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N.V.RAMANA, J

30TH NOVEMBER, 2004

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1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore rural Mandal, Nellore District.

4 Two Ccs to the G.P. for Revenue, High Court of A.P.,Hyderabad(OUT)

5. Two CD copies.

THE HONOURABLE SRI JUSTICE N.V.RAMANA

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W.P.No.21932 of 2004

30-11-2004